IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 26919 of 2003

Between:

1.Goli Venkata Raju, s/o Krishnamraju, r/o Suryaraopeta, Kakinada.
2.P.Satyanarayana Raju, s/o Subbaraju, r/o Suryaraopeta, Kakinada.

..... PETITIONERS.

AND

1.The Regional Officer, Pollution Control Board, 2-53, Shantinagar, Kakinada
2. A.P.Pollution Control Board, rep by its Member Secretary,
Hyderabad.
3.M/s Nikil Refineries Limited, 3-20-4/7, Near Akshara School,
Raja Ram Mohanrai Nagar, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondents 1 and 2 herein in not considering the representation of the petitioners dated 5-2-2003 and the legal notice dated 5-5-2003 as illegal, arbitrary and unjust by issuing appropriate writ of mandamus or any other writ or order or direction.

Counsel for the Petitioner: Mr.M.V.S.SURESH KUMAR

Counsel for the Respondent 1 & 2: Mr. S.V.Bhatt

Counsel for Respondent No.3: Mr.Vissa Venkateswara Rao.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

We have perused the counter affidavit filed on behalf of respondents 1 and 2. We are not satisfied with the counter-affidavit that at the time of inspection it was observed that there was no effluent discharged outside the factory premises. In fact, we would like respondents 1 and 2 to deploy Task Force for a longer duration and carry out even surprise inspection and monitor the effluent discharged from the factory and have it thoroughly examined and submit a report about the effluent being discharged by 3rd respondent. In case effluent being discharged by 3rd respondent is found to be offending any of the provisions of law, Rules and Regulations, Respondent-Board would proceed to take action in accordance with law, by issuing appropriate directions to the third respondent, and, in case, Respondent No.3 would not comply with the directions of the Respondent-Board, Respondent-Board will further proceed to issue appropriate orders for closure etc. including award of damages or fine, as provided under law. Task force will be deputed within a period of two weeks from the date of the receipt of a copy of this order from the Court, and on receipt of the report of the Task Force, the Respondent-Board shall pass appropriate orders within a period of two weeks thereafter. With this direction, we dispose of the Writ Petition with liberty reserved to the petitioners that in case, they would not be satisfied with the action to be taken by the Respondent-Board, they can approach the Court afresh. No costs.

DEVINDER GUPTA, C.J.

5.8.2004.

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C.V.RAMULU, J.

VR.

Note:

Issue cc within a week.

(BO)

VR.

To

1.The Regional Officer, Pollution Control Board, 2-53, Shantinagar, Kakinada
2.The Member Secretary,A.P.Pollution Control Board, Hyderabad.

3. Two CD copies.